

STATE TECHNOLOGY GOVERNANCE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions related to state technology governance.

Highlighted Provisions:

This bill:

- ▶ eliminates divisions within the Department of Technology Services;
- ▶ assigns duties formerly assigned to divisions within the Department of Technology Services to the Department of Technology Services and the chief information officer within the Department of Technology Services;
- ▶ directs the chief information officer within the Department of Technology Services to appoint a chief information security officer; and
- ▶ defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63F-1-102, as last amended by Laws of Utah 2015, Chapter 114

63F-1-104, as last amended by Laws of Utah 2016, Chapter 13

63F-1-106, as enacted by Laws of Utah 2005, Chapter 169

63F-1-202, as last amended by Laws of Utah 2014, Chapter 387

63F-1-203, as last amended by Laws of Utah 2016, Chapter 13

63F-1-204, as last amended by Laws of Utah 2013, Chapter 53

63F-1-205, as last amended by Laws of Utah 2016, Chapter 355

63F-1-206, as last amended by Laws of Utah 2015, Chapter 114

63F-1-207, as last amended by Laws of Utah 2008, Chapter 382

63F-1-208, as enacted by Laws of Utah 2005, Chapter 169

- 33 **63F-1-209**, as last amended by Laws of Utah 2008, Chapter 382
 34 **63F-1-210**, as enacted by Laws of Utah 2015, Chapter 114
 35 **63F-1-404**, as last amended by Laws of Utah 2016, Chapter 13
 36 **63F-1-502**, as enacted by Laws of Utah 2005, Chapter 169
 37 **63F-1-504**, as last amended by Laws of Utah 2016, Chapter 13
 38 **63F-1-604**, as last amended by Laws of Utah 2016, Chapter 13

39 ENACTS:

- 40 **63F-1-211**, Utah Code Annotated 1953
 41 **63F-1-212**, Utah Code Annotated 1953

42 REPEALS AND REENACTS:

- 43 **63F-1-401**, as enacted by Laws of Utah 2005, Chapter 169
 44 **63F-1-403**, as enacted by Laws of Utah 2005, Chapter 169
 45 **63F-1-501**, as enacted by Laws of Utah 2005, Chapter 169
 46 **63F-1-503**, as enacted by Laws of Utah 2005, Chapter 169
 47 **63F-1-601**, as enacted by Laws of Utah 2005, Chapter 169
 48 **63F-1-603**, as enacted by Laws of Utah 2005, Chapter 169

49 REPEALS:

- 50 **63F-1-602**, as enacted by Laws of Utah 2005, Chapter 169

51

52 *Be it enacted by the Legislature of the state of Utah:*53 Section 1. Section **63F-1-102** is amended to read:54 **63F-1-102. Definitions.**

55 As used in this title:

56 (1) "Board" means the Technology Advisory Board created in Section 63F-1-202.

57 (2) "Chief information officer" means the chief information officer appointed under
58 Section 63F-1-201.59 ~~[(3) "Computer center" means the location at which a central data processing platform
60 is managed to serve multiple executive branch agencies.]~~61 ~~[(4)]~~ (3) "Data center" means a centralized repository for the storage, management, and
62 dissemination of data.63 ~~[(5)]~~ (4) "Department" means the Department of Technology Services.

- 64 (5) "Enterprise architecture" means:
65 (a) information technology that can be applied across state government; and
66 (b) support for information technology that can be applied across state government,
67 including:
68 (i) technical support;
69 (ii) master software licenses; and
70 (iii) hardware and software standards.
- 71 (6) (a) Except as provided in Subsection (6)(b), "executive branch agency" means an
72 agency or administrative subunit of state government.
- 73 (b) "Executive branch agency" does not include:
74 (i) the legislative branch;
75 (ii) the judicial branch;
76 (iii) the State Board of Education;
77 (iv) the Board of Regents;
78 (v) institutions of higher education;
79 (vi) independent entities as defined in Section 63E-1-102; and
80 (vii) elective constitutional offices of the executive department which includes:
81 (A) the state auditor;
82 (B) the state treasurer; and
83 (C) the attorney general.
- 84 (7) "Executive branch strategic plan" means the executive branch strategic plan created
85 under Section 63F-1-203.
- 86 (8) "Individual with a disability" means an individual with a condition that meets the
87 definition of "disability" in 42 U.S.C. Sec. 12102.
- 88 (9) "Information technology" means all computerized and auxiliary automated
89 information handling, including:
90 (a) systems design and analysis;
91 (b) acquisition, storage, and conversion of data;
92 (c) computer programming;
93 (d) information storage and retrieval;
94 (e) voice, [~~radio~~,] video, and data communications;

- 95 (f) requisite systems controls;
 96 (g) simulation; and
 97 (h) all related interactions between people and machines.

98 (10) "State information architecture" means a logically consistent set of principles,
 99 policies, and standards that guide the engineering of state government's information technology
 100 and infrastructure in a way that ensures alignment with state government's business and service
 101 needs.

102 [~~(11) "Telecommunications" means the transmission or reception of signs, signals,
 103 writing, images, sounds, messages, data, or other information of any nature by wire, radio, light
 104 waves, or other electromagnetic means.~~]

105 Section 2. Section **63F-1-104** is amended to read:

106 **63F-1-104. Purposes.**

107 The department shall:

108 (1) lead state executive branch agency efforts to establish and reengineer the state's
 109 information technology architecture with the goal of coordinating central and individual agency
 110 information technology in a manner that:

- 111 (a) ensures compliance with the executive branch agency strategic plan; and
 112 (b) ensures that cost-effective, efficient information and communication systems and
 113 resources are being used by agencies to:

- 114 (i) reduce data, hardware, and software redundancy;
 115 (ii) improve system interoperability and data accessibility between agencies; and
 116 (iii) meet the agency's and user's business and service needs;

117 (2) coordinate an executive branch strategic plan for all agencies;

118 [~~(3) each year, in coordination with the governor's office, convene a group of public
 119 and private sector information technology and data security experts to identify best practices
 120 from agencies and other public and private sector entities, including best practices for data and
 121 information technology system security standards;~~]

122 [~~(4)~~] (3) develop and implement processes to replicate information technology best
 123 practices and standards [~~identified in Subsection (3),~~] throughout the executive branch;

124 [~~(5) by July 1, 2015, and~~] (4) at least once every [~~two years thereafter~~] odd-numbered
 125 year:

126 (a) evaluate the adequacy of the department's and the executive branch agencies' data
 127 and information technology system security standards through an independent third party
 128 assessment; and

129 (b) communicate the results of the independent third party assessment to the
 130 appropriate executive branch agencies and to the president of the Senate and the speaker of the
 131 House of Representatives;

132 ~~[(6)]~~ (5) oversee the expanded use and implementation of project and contract
 133 management principles as they relate to information technology projects within the executive
 134 branch;

135 ~~[(7)]~~ (6) serve as general contractor between the state's information technology users
 136 and private sector providers of information technology products and services;

137 ~~[(8)]~~ (7) work toward building stronger partnering relationships with providers;

138 ~~[(9)]~~ (8) develop service level agreements with executive branch departments and
 139 agencies to ensure quality products and services are delivered on schedule and within budget;

140 ~~[(10)]~~ (9) develop standards for application development including a standard
 141 methodology and cost-benefit analysis that all agencies shall utilize for application
 142 development activities;

143 ~~[(11)]~~ (10) determine and implement statewide efforts to standardize data elements
 144 ~~[and determine data ownership assignments among executive branch agencies];~~

145 ~~[(12)]~~ (11) develop systems and methodologies to review, evaluate, and prioritize
 146 existing information technology projects within the executive branch and report to the governor
 147 and the Public Utilities, Energy, and Technology Interim Committee on a semiannual basis
 148 regarding the status of information technology projects; and

149 ~~[(13)]~~ (12) assist the Governor's Office of Management and Budget with the
 150 development of information technology budgets for agencies.

151 Section 3. Section **63F-1-106** is amended to read:

152 **63F-1-106. Executive director -- Jurisdiction over divisions and office directors --**
 153 **Authority.**

154 (1) The executive director of the department;

155 (a) has administrative jurisdiction over each ~~[division and]~~ office in the department and
 156 the ~~[division and office directors. The executive director]~~ director of each office;

157 (b) may make changes in department personnel and each office's service functions in
158 the divisions under the director's administrative jurisdiction[;]; and

159 (c) may authorize [~~designees~~] a designee to perform appropriate responsibilities[~~;~~
160 ~~effectuate greater efficiency and economy in the operations of the department as permitted by~~
161 ~~this section.~~].

162 (2) The executive director may, to facilitate department management, establish offices
163 and bureaus to perform functions such as budgeting, planning, and personnel administration [~~to~~
164 ~~facilitate management of the department.~~].

165 (3) (a) The executive director may hire employees in the department, divisions, and
166 offices as permitted by department resources.

167 (b) Except as provided in Subsection (4), [~~any employees~~] each employee of the
168 department [~~are~~] is exempt from career service or classified service status as provided in
169 Section 67-19-15.

170 (4) (a) An employee of an executive branch agency who was a career service employee
171 as of July 1, 2005 who is transferred to the Department of Technology Services continues in
172 the employee's career service status during the employee's service to the Department of
173 Technology Services if the duties of the position in the new department are substantially
174 similar to those in the employee's previous position.

175 (b) A career service employee transferred to the new department under the provisions
176 of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be
177 converted to exempt status without the review process required by Subsection 67-19-15(3).

178 [~~(c) The executive director shall work with executive branch agency directors, during~~
179 ~~the period of transition to the new department, in good faith, to:~~]

180 [~~(i) preserve relevant career service positions;~~]

181 [~~(ii) retain qualified employees in non-relevant positions through transfers to other~~
182 ~~positions in state government, with retraining as necessary, and]~~

183 [~~(iii) promote greater economy and efficiencies for the department.~~]

184 [~~(d) The Department of Technology Services together with the Department of Human~~
185 ~~Resource Management may develop financial and other incentives to encourage a career~~
186 ~~service employee who transfers to the department under the provisions of Subsection (4)(a) to~~
187 ~~voluntarily convert to an exempt position under Section 67-19-15.]~~

188 ~~[(c) If a career service employee transfers to the department under the provisions of~~
189 ~~Subsection (4)(a) and terminates his employment with the department for any reason, the~~
190 ~~employment position shall be exempt from career service status under the provisions of~~
191 ~~Subsection (3).]~~

192 Section 4. Section **63F-1-202** is amended to read:

193 **63F-1-202. Technology Advisory Board -- Membership -- Duties.**

194 (1) There is created the Technology Advisory Board to the chief information officer.

195 The board shall have seven members as follows:

196 (a) three members appointed by the governor who are individuals actively involved in
197 business planning for state agencies;

198 (b) one member appointed by the governor who is actively involved in business
199 planning for higher education or public education;

200 (c) one member appointed by the speaker of the House of Representatives and
201 president of the Senate [~~from the Legislative Automation Committee of the Legislature to~~
202 ~~represent the legislative branch~~];

203 (d) one member appointed by the Judicial Council [~~to represent the judicial branch~~];

204 and

205 (e) one member appointed by the governor who represents private sector business
206 needs in the state, but who is not an information technology vendor for the state.

207 (2) (a) The members of the advisory board shall elect a chair from the board by
208 majority vote.

209 (b) The department shall provide staff to the board.

210 (c) (i) A majority of the members of the board constitutes a quorum.

211 (ii) Action by a majority of a quorum of the board constitutes an action of the board.

212 (3) The board shall meet as necessary to advise the chief information officer and assist
213 the chief information officer and executive branch agencies in coming to consensus on:

214 (a) the development and implementation of the state's information technology strategic
215 plan;

216 (b) critical information technology initiatives for the state;

217 (c) the development of standards for state information architecture;

218 (d) identification of the business and technical needs of state agencies;

219 (e) the department's performance measures for service agreements with executive
220 branch agencies and subscribers of services, including a process in which an executive branch
221 agency may review the department's implementation of and compliance with an executive
222 branch agency's data security requirements; and

223 (f) the efficient and effective operation of the department.

224 (4) (a) A member who is not a legislator may not receive compensation or benefits for
225 the member's service, but may receive per diem and travel expenses as allowed in:

226 (i) Section 63A-3-106;

227 (ii) Section 63A-3-107; and

228 (iii) rules made by the Division of Finance [~~according to~~] in accordance with Sections
229 63A-3-106 and 63A-3-107.

230 (b) Compensation and expenses of a member who is a legislator are governed by
231 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

232 Section 5. Section **63F-1-203** is amended to read:

233 **63F-1-203. Executive branch information technology strategic plan.**

234 (1) In accordance with this section, the chief information officer shall prepare an
235 executive branch information technology strategic plan:

236 (a) that complies with this chapter; and

237 (b) [~~which shall include~~] that includes:

238 (i) a strategic plan for the:

239 (A) interchange of information related to information technology between executive
240 branch agencies;

241 (B) coordination between executive branch agencies in the development and
242 maintenance of information technology and information systems, including the coordination of
243 agency information technology plans described in Section 63F-1-204; and

244 (C) protection of the privacy of individuals who use state information technology or
245 information systems, including the implementation of industry best practices for data and
246 system security [~~that are identified in Subsection 63F-1-104(3)~~];

247 (ii) priorities for the development and implementation of information technology or
248 information systems including priorities determined on the basis of:

249 (A) the importance of the information technology or information system; and

250 (B) the time sequencing of the information technology or information system; and
251 (iii) maximizing the use of existing state information technology resources.

252 (2) In the development of the executive branch strategic plan, the chief information
253 officer shall consult with:

254 (a) all cabinet level officials; and

255 (b) the advisory board created in Section 63F-1-202[; ~~and (c) the group convened in~~
256 ~~accordance with Subsection 63F-1-104(3)].~~

257 (3) (a) Unless withdrawn by the chief information officer or the governor in accordance
258 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on
259 which the executive branch strategic plan is submitted to:

260 (i) the governor; and

261 (ii) the Public Utilities, Energy, and Technology Interim Committee.

262 (b) The chief information officer or the governor may withdraw the executive branch
263 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer
264 determines that the executive branch strategic plan:

265 (i) should be modified; or

266 (ii) for any other reason should not take effect.

267 (c) The Public Utilities, Energy, and Technology Interim Committee may make
268 recommendations to the governor and to the chief information officer if the commission
269 determines that the executive branch strategic plan should be modified or for any other reason
270 should not take effect.

271 (d) Modifications adopted by the chief information officer shall be resubmitted to the
272 governor and the Public Utilities, Energy, and Technology Interim Committee for their review
273 or approval as provided in Subsections (3)(a) and (b).

274 (4) (a) The chief information officer shall, on or before January 1, 2014, and each year
275 thereafter, modify the executive branch information technology strategic plan to incorporate
276 security standards that:

277 (i) are identified as industry best practices in accordance with Subsections
278 63F-1-104(3) and (4); and

279 (ii) can be implemented within the budget of the department or the executive branch
280 agencies.

281 (b) The chief information officer shall inform the speaker of the House of
282 Representatives and the president of the Senate on or before January 1 of each year if best
283 practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered
284 under Subsection (4)(a)(ii).

285 (5) ~~[The] Each executive branch agency shall implement the~~ executive branch strategic
286 plan ~~[is to be implemented by executive branch agencies through each executive branch~~
287 ~~agency]~~ by adopting an agency information technology plan in accordance with Section
288 63F-1-204.

289 Section 6. Section **63F-1-204** is amended to read:

290 **63F-1-204. Agency information technology plans.**

291 (1) (a) By July 1 of each year, each executive branch agency shall submit an agency
292 information technology plan to the chief information officer at the department level, unless the
293 governor or the chief information officer request an information technology plan be submitted
294 by a subunit of a department, or by an executive branch agency other than a department.

295 (b) The information technology plans required by this section shall be in the form and
296 level of detail required by the chief information officer, by administrative rule adopted in
297 accordance with Section 63F-1-206, and shall include, at least:

298 (i) the information technology objectives of the agency;

299 (ii) any performance measures used by the agency for implementing the agency's
300 information technology objectives;

301 (iii) any planned expenditures related to information technology;

302 (iv) the agency's need for appropriations for information technology;

303 (v) how the agency's development of information technology coordinates with other
304 state and local governmental entities;

305 (vi) any efforts the agency has taken to develop public and private partnerships to
306 accomplish the information technology objectives of the agency;

307 (vii) the efforts the executive branch agency has taken to conduct transactions
308 electronically in compliance with Section 46-4-503; and

309 (viii) the executive branch agency's plan for the timing and method of verifying the
310 department's security standards, if an agency intends to verify the department's security
311 standards for the data that the agency maintains or transmits through the department's servers.

312 (2) (a) Except as provided in Subsection (2)(b), an agency information technology plan
313 described in Subsection (1) shall comply with the executive branch strategic plan established in
314 accordance with Section 63F-1-203.

315 (b) If the executive branch agency submitting the agency information technology plan
316 justifies the need to depart from the executive branch strategic plan, an agency information
317 technology plan may depart from the executive branch strategic plan to the extent approved by
318 the chief information officer.

319 ~~[(3)(a) On receipt of a state agency information technology plan, the chief information~~
320 ~~officer shall forward a complete copy of the agency information technology plan to the~~
321 ~~Division of Enterprise Technology created in Section 63F-1-401 and the Division of Integrated~~
322 ~~Technology created in Section 63F-1-501.]~~

323 ~~[(b) The divisions shall provide the chief information officer a written analysis of each~~
324 ~~agency plan submitted in accordance with Subsections 63F-1-404(14) and 63F-1-504(3).]~~

325 ~~[(4)(a) (3) The chief information officer shall review each agency plan to determine:~~

326 ~~[(i)(A) (a) (i) whether the agency plan complies with the executive branch strategic~~
327 ~~plan and state information architecture; or~~

328 ~~[(B) (ii) to the extent that the agency plan does not comply with the executive branch~~
329 ~~strategic plan or state information architecture, whether the executive branch entity is justified~~
330 ~~in departing from the executive branch strategic plan, or state information architecture; and~~

331 ~~[(ii) (b) whether the agency plan meets the information technology and other needs of:~~

332 ~~[(A) (i) the executive branch agency submitting the plan; and~~

333 ~~[(B) (ii) the state.~~

334 ~~[(b) In conducting the review required by Subsection (4)(a), the chief information~~
335 ~~officer shall consider the analysis submitted by the divisions under Subsection (3).]~~

336 ~~[(5) (4) After the chief information officer conducts the review described in~~
337 ~~Subsection [(4)] (3) of an agency information technology plan, the chief information officer~~
338 ~~may:~~

339 (a) approve the agency information technology plan;

340 (b) disapprove the agency information technology plan; or

341 (c) recommend modifications to the agency information technology plan.

342 ~~[(6) (5) An executive branch agency or the department may not submit a request for~~

343 appropriation related to information technology or an information technology system to the
344 governor in accordance with Section 63J-1-201 until after the executive branch agency's
345 information technology plan is approved by the chief information officer.

346 Section 7. Section **63F-1-205** is amended to read:

347 **63F-1-205. Approval of acquisitions of information technology.**

348 (1) (a) Except as provided in Title 63N, Chapter 13, Part 2, Government Procurement
349 Private Proposal Program, in accordance with Subsection (2), the chief information officer
350 shall approve the acquisition by an executive branch agency of:

- 351 (i) information technology equipment;
- 352 (ii) telecommunications equipment;
- 353 (iii) software;
- 354 (iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and
- 355 (v) data acquisition.

356 (b) The chief information officer may negotiate the purchase, lease, or rental of private
357 or public information technology or telecommunication services or facilities in accordance with
358 this section.

359 (c) Where practical, efficient, and economically beneficial, the chief information
360 officer shall use existing private and public information technology or telecommunication
361 resources.

362 (d) Notwithstanding another provision of this section, an acquisition authorized by this
363 section shall comply with rules made by the applicable rulemaking authority under Title 63G,
364 Chapter 6a, Utah Procurement Code.

365 (2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount
366 that exceeds the value established by the chief information officer by rule in accordance with
367 Section 63F-1-206, the chief information officer shall:

368 (a) conduct an analysis of the needs of executive branch agencies and subscribers of
369 services and the ability of the proposed information technology or telecommunications services
370 or supplies to meet those needs; and

371 (b) for purchases, leases, or rentals not covered by an existing statewide contract,
372 certify in writing to the chief procurement officer in the Division of Purchasing and General
373 Services that:

374 (i) the analysis required in Subsection (2)(a) was completed; and

375 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of
376 services, products, or supplies is practical, efficient, and economically beneficial to the state
377 and the executive branch agency or subscriber of services.

378 (3) In approving an acquisition described in Subsections (1) and (2), the chief
379 information officer shall:

380 (a) establish by administrative rule, in accordance with Section 63F-1-206, standards
381 under which an agency must obtain approval from the chief information officer before
382 acquiring the items listed in Subsections (1) and (2);

383 (b) for those acquisitions requiring approval, determine whether the acquisition is in
384 compliance with:

385 (i) the executive branch strategic plan;

386 (ii) the applicable agency information technology plan;

387 (iii) the budget for the executive branch agency or department as adopted by the
388 Legislature;

389 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and

390 (v) the information technology accessibility standards described in Section 63F-1-210;
391 and

392 (c) in accordance with Section 63F-1-207, require coordination of acquisitions between
393 two or more executive branch agencies if it is in the best interests of the state.

394 (4) ~~[(a)]~~ Each executive branch agency shall provide the chief information officer with
395 complete access to all information technology records, documents, and reports:

396 ~~[(i)]~~ (a) at the request of the chief information officer; and

397 ~~[(ii)]~~ (b) related to the executive branch agency's acquisition of any item listed in
398 Subsection (1).

399 ~~[(b) Beginning July 1, 2006 and in]~~

400 (5) (a) In accordance with administrative rules established by the department under
401 Section 63F-1-206, [no new technology projects may be initiated by an executive branch
402 agency or the department] an executive branch agency and the department may not initiate a
403 new technology project unless the technology project is described in a formal project plan and
404 ~~[the]~~ a business case analysis [has been] is approved by the chief information officer and

405 ~~[agency head]~~ the highest ranking executive branch agency official.

406 (b) The project plan and business case analysis required by this Subsection ~~[(4)]~~ (5)

407 shall ~~[be in the form required by the chief information officer, and shall]~~ include:

408 (i) a statement of work to be done and existing work to be modified or displaced;

409 (ii) total cost of system development and conversion effort, including system analysis

410 and programming costs, establishment of master files, testing, documentation, special

411 equipment cost and all other costs, including overhead;

412 (iii) savings or added operating costs that will result after conversion;

413 (iv) other advantages or reasons that justify the work;

414 (v) source of funding of the work, including ongoing costs;

415 (vi) consistency with budget submissions and planning components of budgets; and

416 (vii) whether the work is within the scope of projects or initiatives envisioned when the

417 current fiscal year budget was approved.

418 (c) The chief information officer shall determine the required form of the project plan

419 and business case analysis described in this Subsection (5).

420 ~~[(5)]~~ (6) The chief information officer and the Division of Purchasing and General

421 Services within the Department of Administrative Services shall work cooperatively to

422 establish procedures under which the chief information officer shall monitor and approve

423 acquisitions as provided in this section.

424 Section 8. Section **63F-1-206** is amended to read:

425 **63F-1-206. Rulemaking -- Policies.**

426 (1) (a) Except as provided in Subsection (2), the chief information officer shall, by rule

427 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~[-, the~~

428 ~~chief information officer shall make rules that]~~:

429 (i) provide standards that impose requirements on executive branch agencies that:

430 (A) are related to the security of the statewide area network; and

431 (B) establish standards for when an agency must obtain approval before obtaining

432 items listed in Subsection 63F-1-205(1);

433 (ii) specify the detail and format required in an agency information technology plan

434 submitted in accordance with Section 63F-1-204;

435 (iii) provide for standards related to the privacy policies of websites operated by or on

436 behalf of an executive branch agency;

437 (iv) provide for the acquisition, licensing, and sale of computer software;

438 (v) specify the requirements for the project plan and business case analysis required by

439 Section 63F-1-205;

440 (vi) provide for project oversight of agency technology projects when required by

441 Section 63F-1-205;

442 (vii) establish, in accordance with Subsection 63F-1-205(2), the implementation of the

443 needs assessment for information technology purchases;

444 (viii) establish telecommunications standards and specifications in accordance with

445 Section 63F-1-404; and

446 (ix) establish standards for accessibility of information technology by individuals with

447 disabilities in accordance with Section 63F-1-210.

448 (b) The rulemaking authority [~~in~~] granted by this Subsection (1) is in addition to any

449 other rulemaking authority granted by this title.

450 (2) (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

451 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines

452 procedures to be followed by the chief information officer in facilitating the implementation of

453 this title by executive branch agencies if the policy:

454 (i) is consistent with the executive branch strategic plan; and

455 (ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.

456 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may

457 not take effect until 30 days after the day on which the chief information officer submits the

458 policy to:

459 (A) the governor; and

460 (B) all cabinet level officials.

461 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials

462 may review and comment on a policy submitted under Subsection (2)(b)(i).

463 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah

464 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the

465 chief information officer may adopt a security procedure to be followed by executive branch

466 agencies to protect the statewide area network if:

467 (i) broad communication of the security procedure would create a significant potential
468 for increasing the vulnerability of the statewide area network to breach or attack; and

469 (ii) after consultation with the chief information officer, the governor agrees that broad
470 communication of the security procedure would create a significant potential increase in the
471 vulnerability of the statewide area network to breach or attack.

472 (b) A security procedure described in Subsection (3)(a) is classified as a protected
473 record under Title 63G, Chapter 2, Government Records Access and Management Act.

474 (c) The chief information officer shall provide a copy of the security procedure as a
475 protected record to:

476 (i) the chief justice of the Utah Supreme Court for the judicial branch;

477 (ii) the speaker of the House of Representatives and the president of the Senate for the
478 legislative branch;

479 (iii) the chair of the Board of Regents; and

480 (iv) the chair of the State Board of Education.

481 Section 9. Section **63F-1-207** is amended to read:

482 **63F-1-207. Coordination within the executive branch -- Cooperation with other**
483 **branches.**

484 (1) In accordance with the executive branch strategic plan and the requirements of this
485 title, the chief information officer shall coordinate the development of information technology
486 systems between two or more executive branch agencies subject to:

487 (a) the budget approved by the Legislature; and

488 (b) Title 63J, Chapter 1, Budgetary Procedures Act.

489 (2) In addition to the coordination described in Subsection (1), the chief information
490 officer shall promote cooperation regarding information technology [~~in a manner consistent~~
491 ~~with the interbranch coordination plan created in accordance with Section 63F-1-201.~~] between
492 branches of state government.

493 Section 10. Section **63F-1-208** is amended to read:

494 **63F-1-208. Delegation of department functions.**

495 (1) (a) If the conditions of Subsections (1)(b) and (2) are met and subject to the other
496 provisions of this section, the chief information officer may delegate a function of the
497 department to another executive branch agency or an institution of higher education by contract

498 or other means authorized by law.

499 (b) The chief information officer may delegate a function of the department as
500 provided in Subsection (1)(a) if in the judgment of the director of the executive branch agency[;
501 ~~the director of the division,~~] and the chief information officer:

502 (i) the executive branch agency or institution of higher education has requested that the
503 function be delegated;

504 (ii) the executive branch agency or institution of higher education has the necessary
505 resources and skills to perform or control the function to be delegated; and

506 (iii) the function to be delegated is a unique or [~~mission-critical~~] mission-critical
507 function of the agency or institution of higher education [~~which is not appropriate to: (A)~~
508 ~~govern or manage under the Division of Enterprise Technology; or (B) govern or manage under~~
509 ~~the Division of Integrated Technology.~~].

510 (2) The chief information officer may delegate a function of the department only when
511 the delegation results in net cost savings or improved service delivery to the state as a whole or
512 to the unique mission critical function of the executive branch agency.

513 (3) The delegation of a function under this section shall:

514 (a) be in writing;

515 (b) contain all of the following:

516 (i) a precise definition of each function to be delegated;

517 (ii) a clear description of the standards to be met in performing each function
518 delegated;

519 (iii) a provision for periodic administrative audits by the [~~Division of Agency Services~~
520 ~~in accordance with Section 63F-1-604~~] department;

521 (iv) a date on which the agreement shall terminate if the agreement has not been
522 previously terminated or renewed; and

523 (v) any delegation of department staff to the agency to support the function in-house
524 with the agency and rates to be charged for the delegated staff; and

525 (c) include a cost-benefit analysis justifying the delegation [~~in accordance with Section~~
526 ~~63F-1-604~~].

527 (4) An agreement to delegate functions to an executive branch agency or an institution
528 of higher education may be terminated by the department if the results of an administrative

529 audit conducted by the ~~[division]~~ department reveals a lack of compliance with the terms of the
530 agreement by the executive branch agency or institution of higher education.

531 Section 11. Section **63F-1-209** is amended to read:

532 **63F-1-209. Delegation of department staff to executive branch agencies --**
533 **Prohibition against executive branch agency information technology staff.**

534 (1) (a) The chief information officer shall assign department staff to serve an agency
535 in-house if the chief information officer and the executive branch agency director jointly
536 determine it is appropriate to provide information technology services to:

537 (i) the agency's unique ~~[mission-critical]~~ mission-critical functions and applications;

538 (ii) the agency's participation in and use of statewide enterprise architecture ~~[under the~~
539 ~~Division of Enterprise Technology]~~; and

540 (iii) the agency's use of coordinated technology services with other agencies that share
541 similar characteristics with the agency ~~[under the Division of Integrated Technology]~~.

542 (b) (i) An agency may request the chief information officer to assign in-house staff
543 support from the department.

544 (ii) The chief information officer shall respond to the agency's request for in-house
545 staff support in accordance with Subsection (1)(a).

546 (c) The department shall enter into service agreements with an agency when
547 department staff is assigned in-house to the agency under the provisions of this section.

548 (d) An agency that receives in-house staff support assigned from the department under
549 the provision of this section is responsible for paying the rates charged by the department for
550 that staff as established under Section 63F-1-301.

551 (2) (a) ~~[After July 1, 2006, an]~~ An executive branch agency may not create a full-time
552 equivalent position or part-time position, or request an appropriation to fund a full-time
553 equivalent position or part-time position under the provisions of Section 63J-1-201 for the
554 purpose of providing information technology services to the agency unless:

555 (i) the chief information officer has approved a delegation under Section 63F-1-208;
556 and

557 (ii) the ~~[Division of Agency Services]~~ department conducts an audit under Section
558 63F-1-604 and finds that the delegation of information technology services to the agency meets
559 the requirements of Section 63F-1-208.

560 (b) The prohibition against a request for appropriation under Subsection (2)(a) does not
561 apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).

562 Section 12. Section **63F-1-210** is amended to read:

563 **63F-1-210. Accessibility standards for executive branch agency information**
564 **technology.**

565 (1) The chief information officer shall establish, by rule made in accordance with Title
566 63G, Chapter 3, Utah Administrative Rulemaking Act:

567 (a) minimum standards for accessibility of executive branch agency information
568 technology by an individual with a disability that:

569 (i) include accessibility criteria for:

570 (A) agency websites;

571 (B) hardware and software procured by an executive branch agency; and

572 (C) information systems used by executive branch agency employees; [~~and~~]

573 (ii) include a protocol to evaluate the standards via testing by individuals with a variety
574 of access limitations; and

575 (iii) are, at minimum, consistent with the most recent Web Content Accessibility
576 guidelines published by the World Wide Web Consortium; and

577 (b) grievance procedures for an individual with a disability who is unable to access
578 executive branch agency information technology, including:

579 (i) a process for an individual with a disability to report the access issue to the chief
580 information officer; and

581 (ii) a mechanism through which the chief information officer can respond to the

582 report[~~]; and (c) are, at minimum, consistent with the Web Content Accessibility 2.0 guidelines~~
583 ~~published by the World Wide Web Consortium.];~~

584 (2) The chief information officer shall update the standards described in Subsection
585 (1)(a) at least every three years to reflect advances in technology.

586 Section 13. Section **63F-1-211** is enacted to read:

587 **63F-1-211. Chief information security officer.**

588 (1) The chief information officer shall appoint a chief information security officer.

589 (2) The chief information security officer described in Subsection (1) shall:

590 (a) assess cybersecurity risks;

591 (b) coordinate with executive branch agencies to assess the sensitivity of information;
592 and

593 (c) manage cybersecurity support for the department and executive branch agencies.

594 Section 14. Section **63F-1-212** is enacted to read:

595 **63F-1-212. Report to the Legislature.**

596 The department shall, before November 1 of each year, report to the Public Utilities,
597 Energy, and Technology Interim Committee on:

598 (1) performance measures that the department uses to assess the department's
599 effectiveness in performing the department's duties under this chapter; and

600 (2) the department's performance, evaluated in accordance with the performance
601 measures described in Subsection (1).

602 Section 15. Section **63F-1-401** is repealed and reenacted to read:

603 **Part 4. Enterprise Technology**

604 **63F-1-401. Title.**

605 This part is known as "Enterprise Technology."

606 Section 16. Section **63F-1-403** is repealed and reenacted to read:

607 **63F-1-403. Enterprise technology -- Chief information officer manages.**

608 The chief information officer shall manage the department's duties related to enterprise
609 technology.

610 Section 17. Section **63F-1-404** is amended to read:

611 **63F-1-404. Duties of the department -- Enterprise technology.**

612 The [~~division~~] department shall:

613 (1) develop and implement an effective enterprise architecture governance model for
614 the executive branch;

615 (2) provide oversight of information technology projects that impact statewide
616 information technology services, assets, or functions of state government to:

617 (a) control costs;

618 (b) ensure business value to a project;

619 (c) maximize resources;

620 (d) ensure the uniform application of best practices; and

621 (e) avoid duplication of resources;

622 (3) develop a method of accountability to agencies for services provided by the
623 [~~division~~] department through service agreements with the agencies;

624 [~~(4) beginning September 1, 2006, and each September 1 thereafter, provide the chief~~
625 ~~information officer and the Public Utilities, Energy, and Technology Interim Committee with~~
626 ~~performance measures used by the division to measure the quality of service delivered by the~~
627 ~~division and the results of the performance measures;]~~

628 [~~(5)~~] (4) serve as a project manager for enterprise architecture which includes the
629 management of applications, standards, and procurement of enterprise architecture;

630 [~~(6)~~] (5) coordinate the development and implementation of advanced state
631 telecommunication systems;

632 [~~(7)~~] (6) provide services including technical assistance:

633 (a) to executive branch agencies and subscribers to the services; and
634 (b) related to information technology or telecommunications;

635 [~~(8)~~] (7) establish telecommunication system specifications and standards for use by:

636 (a) one or more executive branch agencies; or
637 (b) one or more entities that subscribe to the telecommunication systems in accordance
638 with Section 63F-1-303;

639 [~~(9)~~] (8) coordinate state telecommunication planning in cooperation with:

640 (a) state telecommunication users;
641 (b) executive branch agencies; and
642 (c) other subscribers to the state's telecommunication systems;

643 [~~(10)~~] (9) cooperate with the federal government, other state entities, counties, and
644 municipalities in the development, implementation, and maintenance of:

645 (a) (i) governmental information technology; or
646 (ii) governmental telecommunication systems; and
647 (b) (i) as part of a cooperative organization; or
648 (ii) through means other than a cooperative organization;

649 [~~(11)~~] (10) establish, operate, manage, and maintain:

650 (a) one or more state data centers; and
651 (b) one or more regional computer centers;

652 [~~(12)~~] (11) design, implement, and manage all state-owned, leased, or rented land,

653 mobile, or radio telecommunication systems that are used in the delivery of services for state
654 government or its political subdivisions; and

655 ~~[(13)]~~ (12) in accordance with the executive branch strategic plan, implement
656 minimum standards to be used by the ~~[division]~~ department for purposes of compatibility of
657 procedures, programming languages, codes, and media that facilitate the exchange of
658 information within and among telecommunication systems~~[-and]~~.

659 ~~[(14) provide the chief information officer with an analysis of an executive branch
660 agency information technology plan that includes:]~~

661 ~~[(a) an assessment of how the implementation of the agency information technology
662 plan will affect the costs, operations, and services of:]~~

663 ~~[(i) the department; and]~~

664 ~~[(ii) other executive branch agencies; and]~~

665 ~~[(b) any recommended changes to the plan.]~~

666 Section 18. Section **63F-1-501** is repealed and reenacted to read:

667 **Part 5. Integrated Technology**

668 **63F-1-501. Title.**

669 This part is known as "Integrated Technology."

670 Section 19. Section **63F-1-502** is amended to read:

671 **63F-1-502. Definitions.**

672 As used in this part:

673 (1) "Center" means the Automated Geographic Reference Center created in Section
674 63F-1-506.

675 (2) "Database" means the State Geographic Information Database created in Section
676 63F-1-507.

677 ~~[(3) "Director" means the director appointed in accordance with Section 63F-1-503.]~~

678 ~~[(4) "Division" means the Division of Integrated Technology created in this part.]~~

679 ~~[(5)]~~ (3) "Geographic Information System" or "GIS" means a computer driven data
680 integration and map production system that interrelates disparate layers of data to specific
681 geographic locations.

682 ~~[(6)]~~ (4) "State Geographic Information Database" means the database created in
683 Section 63F-1-507.

684 ~~[(7)]~~ (5) "Statewide Global Positioning Reference Network" or "network" means the
 685 network created in Section 63F-1-509.

686 Section 20. Section **63F-1-503** is repealed and reenacted to read:

687 **63F-1-503. Integrated technology -- Chief information officer manages.**

688 The chief information officer shall manage the department's duties related to integrated
 689 technology.

690 Section 21. Section **63F-1-504** is amended to read:

691 **63F-1-504. Duties of the department -- Integrated technology.**

692 The ~~[division]~~ department shall:

693 (1) establish standards for the information technology needs of a collection of
 694 executive branch agencies or programs that share common characteristics relative to the types
 695 of stakeholders they serve, including:

- 696 (a) project management;
- 697 (b) application development; and
- 698 (c) procurement;

699 (2) provide oversight of information technology standards that impact multiple
 700 executive branch agency information technology services, assets, or functions to:

- 701 (a) control costs;
- 702 (b) ensure business value to a project;
- 703 (c) maximize resources;
- 704 (d) ensure the uniform application of best practices; and
- 705 (e) avoid duplication of resources; and

706 ~~[(3) in accordance with Section 63F-1-204, provide the chief information officer a~~
 707 ~~written analysis of any agency information technology plan provided to the division, which~~
 708 ~~shall include:]~~

709 ~~[(a) a review of whether the agency's technology projects impact multiple agencies and~~
 710 ~~if so, whether the information technology projects are appropriately designed and developed;]~~

711 ~~[(b) an assessment of whether the agency plan complies with the state information~~
 712 ~~architecture; and]~~

713 ~~[(c) an assessment of whether the information technology projects included in the~~
 714 ~~agency plan comply with policies, procedures, and rules adopted by the department to ensure~~

715 that:]

716 [~~(i) information technology projects are phased in;~~]

717 [~~(ii) funding is released in phases;~~]

718 [~~(iii) an agency's authority to proceed to the next phase of an information technology~~
719 ~~project is contingent upon the successful completion of the prior phase; and]~~

720 [~~(iv) one or more specific deliverables is identified for each phase of a technology~~
721 ~~project;~~]

722 [~~(4)~~ (3) establish a system of accountability to user agencies through the use of service
723 agreements[;].

724 [~~(5) each year, provide the chief information officer and the Public Utilities, Energy,~~
725 ~~and Technology Interim Committee with performance measures used by the division to~~
726 ~~measure the quality of services delivered by the division and results of those measures; and]~~

727 [~~(6) establish administrative rules in accordance with Section 63F-1-206 and as~~
728 ~~required by Section 63F-1-506.]~~

729 Section 22. Section **63F-1-601** is repealed and reenacted to read:

730 **Part 6. Agency Services**

731 **63F-1-601. Title.**

732 This part is known as "Agency Services."

733 Section 23. Section **63F-1-603** is repealed and reenacted to read:

734 **63F-1-603. Agency services -- Chief information officer manages.**

735 The chief information officer shall manage the department's duties related to agency
736 services.

737 Section 24. Section **63F-1-604** is amended to read:

738 **63F-1-604. Duties of the department -- Agency services.**

739 The [~~division~~] department shall:

740 (1) be responsible for providing support to executive branch agencies for an agency's
741 information technology assets and functions that are unique to the executive branch agency and
742 are mission critical functions of the agency;

743 [~~(2) conduct audits of an executive branch agency when requested under the provisions~~
744 ~~of Section 63F-1-208;]~~

745 [~~(3) conduct cost-benefit analysis of delegating a department function to an agency in~~

746 ~~accordance with Section 63F-1-208;~~

747 ~~[(4)] (2) provide in-house information technology staff support to executive branch~~
748 ~~agencies;~~

749 ~~[(5) establish accountability and performance measures for the division to assure that~~
750 ~~the division is:]~~

751 ~~[(a) meeting the business and service needs of the state and individual executive branch~~
752 ~~agencies; and]~~

753 ~~[(b) implementing security standards in accordance with Subsection 63F-1-203(4);]~~

754 ~~[(6)] (3) establish a committee composed of agency user groups for the purpose of~~
755 ~~coordinating department services with agency needs; and~~

756 ~~[(7)] (4) assist executive branch agencies in complying with the requirements of any~~
757 ~~rule adopted by the chief information officer[; and (8) by July 1, 2013, and each July 1~~
758 ~~thereafter, report to the Public Utilities, Energy, and Technology Interim Committee on the~~
759 ~~performance measures used by the division under Subsection (5) and the results.].~~

760 Section 25. **Repealer.**

761 This bill repeals:

762 Section **63F-1-602, Definitions.**